

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: ~~7-13-73~~, by ~~Deft.s.~~*Waiver of Jury  
1-21-74 ACS Ind.*

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>FEDERAL INSURANCE COMPANY, HANOVER INSURANCE COMPANY, HARTFORD FIRE INSURANCE COMPANY, INSURANCE COMPANY OF NORTH AMERICA, KANSAS CITY FIRE &amp; MARINE INSURANCE COMPANY and ST. PAUL FIRE &amp; MARINE INSURANCE COMPANY.</p> <p>Plaintiffs,</p> <p>vs.</p> <p>DALTON SHEET METAL CO., INC., A Georgia Corporation, and</p> <p>ACS INDUSTRIES, INC., a Rhode Island Corporation,</p> <p>Defendants.</p>		<p>For plaintiff:</p> <p><i>Cay Monnow</i> Wallace and Owens P. O. Box 1168 Miami, Okla. 74354</p> <p>For defendant:</p> <p>Alfred B. Knight (Dalton) 310 Beacon Building Tulsa, Oklahoma 74103 918/584-6457</p> <p>Richard Carpenter (ACS) Denver Building Tulsa, Oklahoma 74119 918/582-5181</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>8-1-73</i>	Clerk	7-13-73 7-19-73	Knight C.D.No.59	15.00	15 00
J.S. 6 mailed <i>3-1-74</i>	Marshal				
Basis of Action: Money Judgment for Fire Damages.	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-13-73	Petition for Removal from District Court of Ottawa County, Okla., filed. v	
7-13-73	Bond on Removal, filed. Deft.s are Principals and Aetna Casualty & Surety Co. is Surety, -are held & bound unto Miami Industrial Development Authority in the penal sum of \$500.00. v	
7-13-73	Notice of Filing of Petition and Bond on Removal By Defts., filed. v	
7-13-73	<u>Answer</u> of the Deft., <u>Dalton Sheet Metal Co., Inc.</u> , filed. v	
7-13-73	<u>Request for Jury Trial</u> by the Dfts, filed. v	
7-17-73	Acknowledgment of the Clerk of the Dist. Court in & for Ottawa County, Okla. of receipt of copy of the notice, petition and bond on removal, filed. hm	
7-17-73	Appl. for order enlarging time to plead or answer of deft. ACS Industries, filed. v	
7-19-73	Order enlarging time to plead or answer to 8-2-73, filed. (LB-J) ds copies mailed	
7-23-73	Deft., Dalton, Interrogatories to Miami Ind. etc., filed. jj	
7-26-73	Amendment to complaint, filed. hm	
8-2-73	Pltf's Interrogatories to Deft. Dalton Sheet Metal Co., filed. jj	
8-8-73	Plaintiff's answers to interrogatories of defendant Dalton Sheet Metal Co., filed. ds	
8-21-73	Motion to Strike, filed by the Deft., ACS Industries, Inc. v	
8-21-73	Brief in Support, filed. v	
9-10-73	Application for extension of time to file answers to interrogatories and order granting deft. Dalton Sheet Metal Co. until 9-20-73 to file answers to interrogatories, filed. (LB-J)hm (copies mailed)	
9-19-73	Application for extension of time to file answers to interrogatories, filed. hm <i>To Judge W. O.</i>	
9-21-73	Order, filed (part of application) that deft. Dalton Sheet Metal Co. is granted until 10-4-73 to file answers to interrogatories. (LB-J)hm (copies mailed)	
9-24-73	Answers of Deft. Dalton Sheet Metal Co. to Interrogatories, filed. jj	
9-26-73	Hearing held on motion of deft. ACS to strike. Motion is denied without prejudice & pltf. to prepare order. (LB-J)hm	
10-4-73	Motion of deft. Dalton Sheet Metal Co. to dismiss or in the alternative to make Fed. Ins. Co., Hanover Ins. Co., Hartford Fire Ins. Co., Ins. Co. of North America, Kansas City Fire & Marine Ins. Co. & St. Paul Fire & Marine Ins. Co. substitute parties plaintiff, filed. hm	
10-4-73	Brief in support of motion to dismiss or in the alternative substitution of real party plaintiffs, filed. hm	
10-15-73	Order, filed, that motion to strike of deft. ACS Industries is overruled. (LB-J)hm (copies mailed)	

(continued)

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-16-73	Hearing held before Magistrate on motion of deft. Dalton Sheet Metal Co. to dismiss or in the alternative to make Fed. Ins. Co., Hartford Ins. Co., Ins. Co. of No. America, Kansas City Fire & Marine Ins. Co. & St. Paul Fire & Marine Ins. Co. substitute parties pltf. It is recommended that motion to dismiss be denied and motion to substitute parties pltf. be sustained. Deft. counsel to prepare F&R within 5 days. (MLB-Mag)hm	
10-23-73	Order, filed, that motion to Strike of deft. ACS Industries, Inc., is overruled without prejudice & that this order replaces order filed on 10-15-73, which order is stricken from records. (LB-J)jj (copies mailed)	
10-29-73	Findings and Recommendations of the U.S. Magistrate, filed. (MLB-Mag. by LB-J)jj	
10-29-73	Order, filed, accepting recommendations and denying Mtn. to Dismiss and sustaining Mtn. to make said Ins. Carriers substitute parties pltf. all as stated in Recommendations, (LB-J)jj - copies mailed -	
11-5-73	<u>Ans. of Deft, ACS Industries, Inc., filed. a</u>	
11-26-73	Case set for pre-trial hearing 12-10-73 at 1:30 p.m. (LB-J)hm	
11-29-73	Interrogatories deft. Dalton Sheet Metal Co., filed. jj	
12-10-73	Pre-trial hearing held. Statements made. Deft. ACS allowed to amend answer in PT order. Pltf. to file pre-trial order in 10 days & parties to file trial briefs at same time. Pltf. to answer interrog. of deft. Dalton within 10 days and case is set for jury trial on January 21, 1974, at 9:30 a.m. (LB-J)hm	
12-18-73	Appl. for ext. of time to file ans. to interrogatories, filed by Pltf. v (o as part of pldg., all to J)	
12-18-73	Trial brief of pltf., fld.	
12-18-73	Ans. to Interrogs, filed by Pltf., Insurance Co. of N. America. v	
12-18-73	Ans. to Interrogs, filed by Pltf., Kansas City Fire & Marine Insur. v	
12-20-73	Mot. for additional pre-trial, filed by Pltfs. v <i>to LB</i>	
12-20-73	Proposed pre-trial order, signed by Pltf & one deft., filed. v <i>to LB</i>	
12-24-73	Order, filed (part of applic. filed 12-18) granting pltf. until 1-4-74 to file answers to interrog. (LB-J)hm (copies mailed) (Hanover Ins. Co.)	
12-28-73	Plaintiff's/Answer to Interrogatories filed. <i>me 72</i>	
1-3-74	Answer of pltf. Federal Ins. Co. to interrogatories, filed. g	
1-4-74	Answer of Pltf. Hartford Fire Insurance Co. to interrogatories, filed. a	
1-4-74	Answer of Pltf. St. Paul Fire & Marine Insurance Co. to interrogatories, filed. a	

}

## Sheet No. 2, Page No. 4

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-4-74	Memorandum brief, filed by pltfs. v	
<u>1-9-74</u>	Pre-Trial Order, filed. ( <del>LB</del> <sup>LB</sup> -J)v <i>eps mld.</i>	
1-11-74	Mot. of Deft. Dalton Sheet Metal, for Order Compelling Discovery, filed. v	
1-11-74	Brief in support, filed. v	
1-15-74	Mot. of Pltfs. for Continuance from 1-21-74 docket, filed. v	
1-15-74	Appl. of Deft. ACS Industries, Inc., to have case stricken from trial docket of 1-21-74, filed. v -order to Judge.	
1-21-74	Waiver of Request for Jury Trial by pltfs and deft., ACS Industries, Inc., filed.jj	
1-21-74	Dismissal of Cause of Action in Negligence filed by pltfs. as to defts. ACS Industries.jj	
1-21-74	Stipulation for dismissal as to deft. Dalton Sheet Metal Co., Inc., with order approving stipulation, filed, and entered. (LB-J)hm	
1-21-74	Case called for jury trial. Parties waive jury, & Dalton Sheet Metal having heretofore been dismissed, only one cause of action on contractual question remains against deft. ACS Industries. Deft. to prepare suggested F/F within 10 days & submit to Court. (LB-J)hm	
1-31-74	STIPULATION, filed.jj <i>per entry for the Judge Bohanon</i>	
2-4-74	Journal Entry of Judgement, filed and entered, that Judgment is entered in favor of defendant against Plaintiff. LB. Copies mailed	\$